

REMARKS

On page 2 of the Final Office Action mailed June 15, 2009, the Examiner rejected claims 1-22 under 35 U.S.C. § 112, first paragraph. By this Request for Reconsideration, Applicant submits remarks in response to the rejection. Claims 1-22 remain pending in this application. No new matter has been introduced by this Request for Reconsideration.

I. The Examiner Interview of August 12, 2009

Initially, Applicant would like to thank the Examiner for the courtesies extended during the Examiner interview with Applicant's representative, Thomas Y. Ho, on August 12, 2009. During the interview, independent claims 1 and 3 were discussed, along with the pending rejection of claims 1-22 under 35 U.S.C. § 112, first paragraph. An agreement was reached that the pending rejection should be withdrawn, as indicated on the Continuation Sheet attached to the Interview Summary mailed August 14, 2009. The remarks submitted herewith are consistent with the issues discussed and the agreement reached during the Examiner interview.

II. The Rejection Under 35 U.S.C. § 112, First Paragraph

On page 2 of the Office Action, claims 1-22 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly being "based on a disclosure which is not enabling." For the reasons discussed during the Examiner interview of August 12, 2009, and in accordance with the agreement reached, Applicant submits that claims 1-22 comply with 35 U.S.C. § 112, first paragraph, and the rejection should be withdrawn. The issues presented in the Office Action will be addressed in more detail below.

Page 2 of the Office Action asserts that “[t]he steps of how integration is performed is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure.” As discussed during the Examiner interview, Applicant has not described the steps of how integration is performed as being essential to the invention in the specification or other statements of record. Accordingly, the rejection under 35 U.S.C. § 112, first paragraph should be withdrawn. See M.P.E.P. § 2172.01. In addition, integration is a fundamental theorem of calculus that would be readily apparent to one skilled in the art. For at least this additional reason, and in accordance with the agreement reached during the Examiner interview, the rejection under 35 U.S.C. § 112 should be withdrawn.

Page 2 of the Office Action asks, with respect to independent claims 1 and 3, “how is ‘integration’ **performed relative to the ‘measured pressure’**? Specifically, do the two transducers of the two chambers permit for a **determination of flow through shaft 13** so that a volume may be determined?” (emphasis in original). As discussed during the Examiner interview, the transducers in Applicant’s sensor 17 sense fluid pressure, and permit for a determination of a fluid flow rate in shaft 13 to be made. Examples of these features are provided in at least the following places: page 5, lines 1-10 of Applicant’s specification; the Abstract and FIGS. 1-4 of PCT Publication No. WO 02/071001 (referred to on page 5 of the specification); and column 3, lines 1-12 and 43-45 of U.S. Patent No. 6,898,981 (the English-language equivalent of WO 02/071001, discussed during the Examiner interview). For at least the above reasons, and in accordance with the agreement reached with the Examiner, the rejection should be withdrawn.

Page 2 of the Office Action also asks, “[i]n reference to the ‘integration’, where are the ‘two points of the shaft’ in any figure Where are the ‘two chambers’ (of Para 19) relative to the shaft 13 of Figure 1/3?” (emphasis in original). As discussed during the Examiner interview of August 12, 2009, Applicant’s specification describes sensor 17 as being placed along shaft 13, with its two chambers on the path of the fluid that flows into a shaft 13. See Specification, page 5, lines 3-5 and 21. Thus, the location of the two chambers of sensor 17 relative to shaft 13 are clearly described in the specification. In addition, placement of sensor 17 along shaft 13 is indicated in Applicant’s FIG. 1 by the line beneath reference numeral 16. For at least the above reasons, and in accordance with the agreement reached during the Examiner interview, the rejection should be withdrawn.

CONCLUSION

In view of the foregoing remarks, Applicant submits that claims 1-22 comply with 35 C.F.R. § 112, first paragraph. Applicant therefore requests the Examiner’s reconsideration and reexamination of the application in accordance with the agreement reached during the Examiner interview of August 12, 2009, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account 06-0916.

Respectfully submitted,

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By: 

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